

AMENDED IN ASSEMBLY AUGUST 16, 2010

AMENDED IN ASSEMBLY JUNE 14, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1478

**Introduced by Committee on Natural Resources and Water
(Senators Pavley (Chair), Cogdill, Hollingsworth, Huff, Kehoe,
Lowenthal, Padilla, Simitian, and Wolk)**

(Principal coauthor: Assembly Member Caballero)

March 2, 2010

An act to amend ~~Sections 10608.20 and 10608.26~~ *Section 10608.20* of the Water Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1478, as amended, Committee on Natural Resources and Water.
Water conservation: urban water management.

Existing law imposes various water use reduction requirements that apply to urban retail water suppliers and agricultural water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. For the purpose of meeting this goal, an urban retail water supplier is required to develop urban water use targets and an interim water use target by July 1, 2011, and to take other related actions. ~~Existing law requires an urban retail water supplier that supplies water to a United States Department of Defense military installation, for the purpose of preparing an implementation plan to comply with these water use reduction provisions, to consider specified requirements.~~

Existing law requires an urban water supplier to prepare and adopt, and update every 5 years, an urban water management plan. Existing

law grants a specified extension to an urban retail water supplier for the adoption of an urban water management plan that is due in 2010, to allow use of certain technical methodologies that the Department of Water Resources is required to develop for purposes of those water use reduction provisions. Existing law requires an urban retail water supplier that adopts an urban water management plan in 2010 that does not include those technical methodologies to amend the plan by July 1, 2011, as specified.

This bill would grant the extension for adoption of an urban water management plan that is due in 2010 to an urban wholesale water supplier to permit coordination between an urban wholesale water supplier and urban retail water suppliers. ~~The bill would revise the requirements that apply to an urban retail water supplier that supplies water to that described military installation by requiring the supplier to consider the water conservation of that military installation for the purpose of preparing that implementation plan.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10608.20 of the Water Code is amended
- 2 to read:
- 3 10608.20. (a) (1) Each urban retail water supplier shall
- 4 develop urban water use targets and an interim urban water use
- 5 target by July 1, 2011. Urban retail water suppliers may elect to
- 6 determine and report progress toward achieving these targets on
- 7 an individual or regional basis, as provided in subdivision (a) of
- 8 Section 10608.28, and may determine the targets on a fiscal year
- 9 or calendar year basis.
- 10 (2) It is the intent of the Legislature that the urban water use
- 11 targets described in paragraph (1) cumulatively result in a
- 12 20-percent reduction from the baseline daily per capita water use
- 13 by December 31, 2020.
- 14 (b) An urban retail water supplier shall adopt one of the
- 15 following methods for determining its urban water use target
- 16 pursuant to subdivision (a):
- 17 (1) Eighty percent of the urban retail water supplier's baseline
- 18 per capita daily water use.

1 (2) The per capita daily water use that is estimated using the
2 sum of the following performance standards:

3 (A) For indoor residential water use, 55 gallons per capita daily
4 water use as a provisional standard. Upon completion of the
5 department's 2016 report to the Legislature pursuant to Section
6 10608.42, this standard may be adjusted by the Legislature by
7 statute.

8 (B) For landscape irrigated through dedicated or residential
9 meters or connections, water efficiency equivalent to the standards
10 of the Model Water Efficient Landscape Ordinance set forth in
11 Chapter 2.7 (commencing with Section 490) of Division 2 of Title
12 23 of the California Code of Regulations, as in effect the later of
13 the year of the landscape's installation or 1992. An urban retail
14 water supplier using the approach specified in this subparagraph
15 shall use satellite imagery, site visits, or other best available
16 technology to develop an accurate estimate of landscaped areas.

17 (C) For commercial, industrial, and institutional uses, a
18 10-percent reduction in water use from the baseline commercial,
19 industrial, and institutional water use by 2020.

20 (3) Ninety-five percent of the applicable state hydrologic region
21 target, as set forth in the state's draft 20x2020 Water Conservation
22 Plan (dated April 30, 2009). If the service area of an urban water
23 supplier includes more than one hydrologic region, the supplier
24 shall apportion its service area to each region based on population
25 or area.

26 (4) A method that shall be identified and developed by the
27 department, through a public process, and reported to the
28 Legislature no later than December 31, 2010. The method
29 developed by the department shall identify per capita targets that
30 cumulatively result in a statewide 20-percent reduction in urban
31 daily per capita water use by December 31, 2020. In developing
32 urban daily per capita water use targets, the department shall do
33 all of the following:

34 (A) Consider climatic differences within the state.

35 (B) Consider population density differences within the state.

36 (C) Provide flexibility to communities and regions in meeting
37 the targets.

38 (D) Consider different levels of per capita water use according
39 to plant water needs in different regions.

1 (E) Consider different levels of commercial, industrial, and
2 institutional water use in different regions of the state.

3 (F) Avoid placing an undue hardship on communities that have
4 implemented conservation measures or taken actions to keep per
5 capita water use low.

6 (c) If the department adopts a regulation pursuant to paragraph
7 (4) of subdivision (b) that results in a requirement that an urban
8 retail water supplier achieve a reduction in daily per capita water
9 use that is greater than 20 percent by December 31, 2020, an urban
10 retail water supplier that adopted the method described in paragraph
11 (4) of subdivision (b) may limit its urban water use target to a
12 reduction of not more than 20 percent by December 31, 2020, by
13 adopting the method described in paragraph (1) of subdivision (b).

14 (d) The department shall update the method described in
15 paragraph (4) of subdivision (b) and report to the Legislature by
16 December 31, 2014. An urban retail water supplier that adopted
17 the method described in paragraph (4) of subdivision (b) may adopt
18 a new urban daily per capita water use target pursuant to this
19 updated method.

20 (e) An urban retail water supplier shall include in its urban water
21 management plan due in 2010 pursuant to Part 2.6 (commencing
22 with Section 10610) the baseline daily per capita water use, urban
23 water use target, interim urban water use target, and compliance
24 daily per capita water use, along with the bases for determining
25 those estimates, including references to supporting data.

26 (f) When calculating per capita values for the purposes of this
27 chapter, an urban retail water supplier shall determine population
28 using federal, state, and local population reports and projections.

29 (g) An urban retail water supplier may update its 2020 urban
30 water use target in its 2015 urban water management plan required
31 pursuant to Part 2.6 (commencing with Section 10610).

32 (h) (1) The department, through a public process and in
33 consultation with the California Urban Water Conservation
34 Council, shall develop technical methodologies and criteria for
35 the consistent implementation of this part, including, but not limited
36 to, both of the following:

37 (A) Methodologies for calculating base daily per capita water
38 use, baseline commercial, industrial, and institutional water use,
39 compliance daily per capita water use, gross water use, service

1 area population, indoor residential water use, and landscaped area
2 water use.

3 (B) Criteria for adjustments pursuant to subdivisions (d) and
4 (e) of Section 10608.24.

5 (2) The department shall post the methodologies and criteria
6 developed pursuant to this subdivision on its Internet Web site,
7 and make written copies available, by October 1, 2010. An urban
8 retail water supplier shall use the methods developed by the
9 department in compliance with this part.

10 (i) (1) The department shall adopt regulations for
11 implementation of the provisions relating to process water in
12 accordance with subdivision (I) of Section 10608.12, subdivision
13 (e) of Section 10608.24, and subdivision (d) of Section 10608.26.

14 (2) The initial adoption of a regulation authorized by this
15 subdivision is deemed to address an emergency, for purposes of
16 Sections 11346.1 and 11349.6 of the Government Code, and the
17 department is hereby exempted for that purpose from the
18 requirements of subdivision (b) of Section 11346.1 of the
19 Government Code. After the initial adoption of an emergency
20 regulation pursuant to this subdivision, the department shall not
21 request approval from the Office of Administrative Law to readopt
22 the regulation as an emergency regulation pursuant to Section
23 11346.1 of the Government Code.

24 (j) (1) An urban retail water supplier is granted an extension
25 to July 1, 2011, for adoption of an urban water management plan
26 pursuant to Part 2.6 (commencing with Section 10610) due in 2010
27 to allow the use of technical methodologies developed by the
28 department pursuant to paragraph (4) of subdivision (b) and
29 subdivision (h). An urban retail water supplier that adopts an urban
30 water management plan due in 2010 that does not use the
31 methodologies developed by the department pursuant to
32 subdivision (h) shall amend the plan by July 1, 2011, to comply
33 with this part.

34 (2) An urban wholesale water supplier whose urban water
35 management plan prepared pursuant to Part 2.6 (commencing with
36 Section 10610) was due and not submitted in 2010 is granted an
37 extension to July 1, 2011, to permit coordination between an urban
38 wholesale water supplier and urban retail water suppliers.

39 ~~SEC. 2. Section 10608.26 of the Water Code is amended to~~
40 ~~read:~~

1 ~~10608.26. (a) In complying with this part, an urban retail water~~
2 ~~supplier shall conduct at least one public hearing to accomplish~~
3 ~~all of the following:~~

4 ~~(1) Allow community input regarding the urban retail water~~
5 ~~supplier's implementation plan for complying with this part.~~

6 ~~(2) Consider the economic impacts of the urban retail water~~
7 ~~supplier's implementation plan for complying with this part.~~

8 ~~(3) Adopt a method, pursuant to subdivision (b) of Section~~
9 ~~10608.20, for determining its urban water use target.~~

10 ~~(b) In complying with this part, an urban retail water supplier~~
11 ~~may meet its urban water use target through efficiency~~
12 ~~improvements in any combination among its customer sectors. An~~
13 ~~urban retail water supplier shall avoid placing a disproportionate~~
14 ~~burden on any customer sector.~~

15 ~~(c) For an urban retail water supplier that supplies water to a~~
16 ~~United States Department of Defense military installation, the~~
17 ~~urban retail water supplier's implementation plan for complying~~
18 ~~with this part shall consider the water conservation of that military~~
19 ~~installation under federal Executive Order 13514.~~

20 ~~(d) (1) Any ordinance or resolution adopted by an urban retail~~
21 ~~water supplier after the effective date of this section shall not~~
22 ~~require existing customers as of the effective date of this section,~~
23 ~~to undertake changes in product formulation, operations, or~~
24 ~~equipment that would reduce process water use, but may provide~~
25 ~~technical assistance and financial incentives to those customers to~~
26 ~~implement efficiency measures for process water. This section~~
27 ~~shall not limit an ordinance or resolution adopted pursuant to a~~
28 ~~declaration of drought emergency by an urban retail water supplier.~~

29 ~~(2) This part shall not be construed or enforced so as to interfere~~
30 ~~with the requirements of Chapter 4 (commencing with Section~~
31 ~~113980) to Chapter 13 (commencing with Section 114380);~~
32 ~~inclusive, of Part 7 of Division 104 of the Health and Safety Code;~~
33 ~~or any requirement or standard for the protection of public health,~~
34 ~~public safety, or worker safety established by federal, state, or~~
35 ~~local government or recommended by recognized standard setting~~
36 ~~organizations or trade associations.~~